



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Eaton Corporation

File: B-231678

Date: October 6, 1988

DIGEST

Fourth low offeror and original manufacturer of item solicited by the procuring agency is not an interested party eligible to maintain the protest under General Accounting Office Bid Protest Regulations where offeror is not in line for the award.

DECISION

Eaton Corporation protests the award of a contract to Precision Machine under request for proposals (RFP) No. DLA900-88-C-1166, issued by the Defense Electrical Supply Center (DESC), Dayton, Ohio, for the supply of electrical contacts in accordance with Eaton drawing No. 800CT20. Eaton contends that the RFP did not permit DESC to accept Precision's alternate part because DESC did not furnish offerors with drawings of the part and the decision to accept equals was not specified in the RFP.

We dismiss the protest.

We find that Eaton is not an interested party. The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(a) (Supp. III 1985), and our Bid Protest Regulations require that a protest be filed by an interested party. An interested party for the purpose of filing a protest is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract. See 4 C.F.R. § 21.0(a) (1988). A protester does not have the necessary economic interest where there are other intervening bidders or offerors that would be in line for the award if the awardee were eliminated from the competition. Alfa-Laval, Inc., B-224330, Nov. 5, 1986, 86-2 CPD ¶ 520.

DESC reports that Eaton was the fourth lowest offeror and that, even if it succeeded in the argument that the

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government did not have the right to accept alternate offers, it would not receive the award because an Eaton distributor submitted a lower offer. While Eaton, in response, argues that the Precision part does not conform to the specifications and that award should be made to it directly or through an authorized Eaton distributor, we do not regard Eaton's interest as a manufacturer as grounds for considering it to be an interested party. Photosonic, Inc., B-225043.5, Oct. 20, 1987, 87-2 CPD ¶ 375. Since Eaton would not be in line for the award if the protest was sustained, we find that it is not an interested party.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', written in a cursive style.

Robert M. Strong
Associate General Counsel